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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,558	10/02/2006	Samuel Patrick Costin	MODA0101PUSA	1829
22045 7590 04/28/2009 BROOKS KUSHMAN P.C. 1000 TOWN CENTER			EXAMINER	
			SINGH, SUNIL	
TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075			ART UNIT	PAPER NUMBER
			3672	
			MAIL DATE	DELIVERY MODE
			04/28/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)				
Office Action Summers	10/599,558	COSTIN, SAMUEL PATRICK				
Office Action Summary	Examiner	Art Unit				
	Sunil Singh	3672				
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 16(a). In no event, however, may a reply be tim ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONEI	l. lely filed the mailing date of this communication. (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on						
<i>i</i> —	· · · · · · · · · · · · · · · · · · ·					
•	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
closed in accordance with the practice under L	x parte Quayle, 1935 C.D. 11, 40	.S. O.G. 213.				
Disposition of Claims						
4) Claim(s) 1-77 is/are pending in the application.	4) Claim(s) 1-77 is/are pending in the application.					
	4a) Of the above claim(s) is/are withdrawn from consideration.					
5) Claim(s) is/are allowed.						
6) Claim(s) is/are rejected.						
<u> </u>	· <u> </u>					
8)⊠ Claim(s) <u>1-77</u> are subject to restriction and/or election requirement.						
Application Papers						
9)☐ The specification is objected to by the Examine	r.					
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.33(a).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
TT) The Gattroi declaration is objected to by the Ex-	animer. Note the attached Office	Action of formal 10-102.				
Priority under 35 U.S.C. § 119						
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:	te				

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DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to more than one species of the generic

invention. These species are deemed to lack unity of invention because they are not so

linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

Species I directed to Figure 1; Species II directed to Figure 8 and Species III

directed to Figure 15.

Applicant is required, in reply to this action, to elect a single species to which the

claims shall be restricted if no generic claim is finally held to be allowable. The reply

must also identify the claims readable on the elected species, including any claims

subsequently added. An argument that a claim is allowable or that all claims are

generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration

of claims to additional species which are written in dependent form or otherwise include

all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims

are added after the election, applicant must indicate which are readable upon the

elected species. MPEP § 809.02(a).

The claims are deemed to correspond to the species listed above in the following

manner:

Species I claims 1-5,14-19,20-23,31-34,35,36

Species II claims 1-36

Species III claims 37-77

The following claim(s) are generic: no claims are generic.

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The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: Species I lack the special technical feature of having the passage extending through the full height of the block and having ballast therein. Species I also lack the special technical feature of having a plurality of first reinforcement positioned between adjacent courses and a plurality of second reinforcement positioned intermediate the height of the block. Species II lack the special technical feature of having the passage extend only partially through the height of the block. Species II also lack the special technical feature of having a plurality of first reinforcement positioned between adjacent courses and a plurality of second reinforcement positioned intermediate the height of the block. Species III lack the special technical feature of reinforcement insertable into a passage of the block.

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2. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunil Singh whose telephone number is (571) 272-7051. The examiner can normally be reached on Monday through Friday 10:30 AM - 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sunil Singh/ Primary Examiner, Art Unit 3672 Sunil Singh Primary Examiner Art Unit 3672

SS

4/24/09